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SOME PRECEDENTS OF THE PERSHING EXPEDITION  
INTO MEXICO<sup>1</sup>

J. FRED RIPPY

Discussions connected with the recent expedition led by General John J. Pershing into Mexico evince a striking ignoring of antecedents. One searches in vain through the contemporary periodicals for a clear statement of the precedents upon which the enterprise was based. Only now and then can there be found evidence revealing a consciousness on the part of the journalists that Mexican border difficulties have not been confined to the last decade. There are occasional references, for instance, to the brilliant pursuit of Gerónimo into Sonora. For the most part, however, the writers maintain a striking silence regarding the past. Even the diplomatic correspondence connected with the recent punitive expedition has little to say of previous circumstances which have resembled those leading to the dispatch of Pershing. As now published it contains only two or three references to the period prior to 1910.<sup>2</sup>

The works of a historical nature which treat the relations of the United States and Mexico since 1910 likewise fail to present the background necessary to a clear understanding of recent developments, most of them plunging immediately into contemporary difficulties as if they were entirely new.<sup>3</sup> In the opinion of the writer, this neglect of antecedents furnishes sufficient justification for the present article.

The bold, reckless, and lawless elements of society usually drift toward the frontier, where they expect to find adventures suited to their taste and freedom from the restraints of more settled regions. Here they take advantage of the sparsity of population, the international line, the weakness of the local frontier govern-

<sup>1</sup>The writer desires to make grateful acknowledgment to Professor Herbert E. Bolton, whose seminar papers he has freely used.

<sup>2</sup>For the correspondence, see *The American Journal of International Law*, X, Supplement, pp. 179ff.; *New York Times*, July 29, August 5, and November 25, 1916; *Washington Post*, January 3, 1917. These journals also contain the best discussion of the expedition from the historical standpoint.

<sup>3</sup>Among the best discussions of the relations of the United States since 1910 are, W. F. Johnson, *America's Foreign Relations*, II, 334ff.; F. A. Ogg, *National Progress, 1907-1917*, p. 284ff.

ments, race and religious prejudices, and whatever else may shield them from the punishment deserved for their transgressions. International borders are therefore likely to be the scene of numerous irregularities and conflicts which threaten constantly to interrupt the friendly relations of the nations concerned. This has been particularly true in the case of the United States and Mexico, whose frontiers have all the features mentioned, plus, in the past, a large number of wild Indians fond of war and plunder and void of any regard for international obligations. The most important border disturbances have resulted from the raids of filibusters, banditti, and Indians; and the difficulties of dealing with the situation have been magnified by the inability of the two governments to reach satisfactory agreements regarding extradition or mutual crossing of the border in pursuit of marauding bands. In fact, the military and police forces of the two nations have not often been able to co-operate effectively. Agents of the federal government of the United States or local officials of the frontier have accordingly been provoked in times of crisis to send troops across the boundary often without the consent and even in the face of protest on the part of the Mexican government. The most important and conspicuous instance of such invasion was the late Pershing expedition, but it is only one of a series extending back for almost three-quarters of a century.

*The Occupation of Nacogdoches, 1836.* The first invasion of this type was probably the one which resulted in the occupation of Nacogdoches, Texas, in the summer of 1836, although the United States government erroneously assumed at the time that this town, being east of the Neches River, was within its national domain. The year 1836 opened with the Texan revolution in full progress. In March occurred the fall of the Alamo and the massacre of Goliad, and the following month witnessed the flight of the panic-stricken Texans before Santa Anna's advance. At the same time, the Indians on both sides of the border, apparently instigated by Mexican emissaries, were threatening an outbreak which, once begun, was likely to result in indiscriminate robbery and murder. If other motives for precaution on the part of the Washington government were needed, they could be found in the hostile attitude of the advancing Mexican army toward the United States and in the indications that certain of its citizens on the southwestern frontier entertained designs of aiding Texas in viola-

tion of the neutrality laws.<sup>4</sup> Accordingly, as early as January 23, 1836, General Edmund P. Gaines, who was then stationed in Florida, was ordered to repair to some position near the western boundary of Louisiana in order to preserve neutrality, to prevent a violation of United States soil, and to hold the border Indians in check, using force if necessary to accomplish his purpose.<sup>5</sup>

Gaines interpreted his instructions in a rather liberal fashion; but, as the sequel was to show, he merely divined the intention of the Secretary of War. Writing to Cass, who held this post, he declared that in case he found "any disposition on the part of the Mexicans or their red allies to menace our frontier," he would feel called upon to "anticipate their lawless movements, by crossing our supposed or imaginary national boundary, and meeting the savage marauders wherever they were to be found in their approach toward our frontier."<sup>6</sup>

Before this letter reached Washington the administration had already decided upon a line of action similar to that suggested by General Gaines. On April 25 this commander was authorized "to take such position, on either side of the imaginary boundary line," as would be best adapted to "defensive operations." He was cautioned, however, not to "advance farther than old Fort Nacogdoches, which is within the limits of the United States, as claimed by this government."<sup>7</sup>

The governors of Louisiana, Tennessee, and Mississippi were immediately called upon for volunteers, and the military officials of Forts Leavenworth and Gibson were ordered to hold their dragoons in readiness to march to the assistance of Gaines. At the same time, Congress was asked to extend the time of volunteer service to six months.

Meantime, Gaines had reached the frontier and found the state of affairs sufficiently grave to justify his contemplated step. Before his preparations could be completed, however, the situation was modified by the victory of the Texans at San Jacinto; but the

<sup>4</sup>An excellent description of the border situation at this time is given in T. M. Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 141ff.

<sup>5</sup>Cass to Gaines, *House Doc.* No. 256, 24 Cong., 1 Sess. (Ser. 291), pp. 40-41.

<sup>6</sup>Gaines to Cass, March 29, 1836, *House Doc.* No. 351, 25 Cong., 2 Sess. (Ser. 332), p. 768.

<sup>7</sup>*House Doc.* No. 256, 24 Cong., 1 Sess. (Ser. 291), pp. 43-44.

zealous General Gaines soon professed to descry future danger. Opportune Indian atrocities, an appeal from the Texans for protection, and reports that the Mexicans were preparing to rescue their President and instigate a general savage uprising led him to dispatch Colonel Whistler to occupy Nacogdoches while he made another call upon the governors for reinforcements.

The occupation was approved by the Secretary of War, but he intercepted the state militia. The President, on the other hand, assumed a more cautious attitude and questioned the wisdom of Gaines's action. The troops were nevertheless allowed to remain upon what was in reality Mexican soil until near the close of 1836. During this time, however, there occurred no important Indian outbreak and no Mexican invasion. Accordingly nothing of value was accomplished; but the episode did lead to a warm diplomatic contest, which resulted in the withdrawal of the Mexican minister and the intensification of Mexican bitterness and suspicion already aroused by the belief that the United States entertained covert designs upon Texas.<sup>8</sup>

The government of the United States justified Gaines's action upon the ground of international law and of treaty obligations to Mexico. Secretary of State Forsyth maintained that under the 33d article of the treaty of April 5, 1831, the troops of the United States, in order to protect Mexican "territory against the Indians within the United States . . . might justly be sent into the heart of Mexico. Nor could the good faith and friendship of the act be doubted if troops of the United States were sent into Mexican territory to prevent . . . Mexican Indians, justly suspected of such design, from assailing the frontier settlements of the United States."<sup>9</sup> Forsyth declared further that the occupation of Nacogdoches rested "upon principles of the law of nations . . . upon immutable principles of self-defence—upon the principles which justify decisive measures of precaution to prevent irreparable evil to our own or to a neighboring people."<sup>10</sup>

*The Callahan Expedition, 1855.* Some twenty years after this occurrence there took place an invasion of Mexican soil which had

<sup>8</sup>Marshall, *op. cit.*, 157ff.

<sup>9</sup>Forsyth to Gorostiza, May 10, 1836, *House Doc.* No. 256, 24 Cong., 1 Sess. (Ser. 291), pp. 33-35; quoted also in J. B. Moore, *A Digest of International Law* (1906 ed.), II, 419-420.

<sup>10</sup>Forsyth to Ellis, Dec. 10, 1836, quoted in Moore, *op. et loc. cit.*

more important results. It was occasioned by outrages committed upon the Texan frontier settlements by Indians who had their lodges in Mexico, and partially supported by planters desirous of recovering runaway slaves who were accustomed to find refuge on the south side of the Rio Grande. The expedition consisted of three companies of Texan volunteers, led by J. H. Callahan, a veteran of the Fannin massacre, and under orders of the governor of Texas.<sup>11</sup> They crossed the river early in October, 1855, and soon afterwards had an encounter some distance south of the international line with a combined force of Indians and Mexicans. Defeated and compelled to retreat, they fell back upon Piedras Negras, pillaging and burning the town on October 6 and then withdrawing before a considerable Mexican force into United States territory.<sup>12</sup>

In regard to the expedition, W. L. Marcy, then Secretary of State, took the stand that "if Mexican Indians, whom Mexico is bound to restrain, are permitted to cross its border and commit depredations in the United States they may be chased across the border and there punished." He admitted, however, that the right was reciprocal. "If Indians whom the United States are bound to restrain shall, under the same circumstances, make a hostile incursion into Mexico, this Government will not complain if the Mexican forces who may be sent to repel them shall cross to this side of the line for that purpose, provided that in so doing they abstain from injuring persons and property of citizens of the United States."<sup>13</sup> These statements would seem to indicate that the expedition at least was justified by the United States whether it proceeded under the authority of the federal government or not. It had not been possible for the Texan troops to refrain from "injuring persons and property" of citizens of Mexico, however, and the excesses committed at this time were des-

<sup>11</sup>The governor's instructions have not been found, but Callahan's report to the state executive clearly indicates that the troops proceeded under his orders. See Callahan to Governor Pease, Oct. 13, 1855, *State Gazette* (Texas), Oct. 20, 1855.

<sup>12</sup>For a fuller discussion of this episode, see the present writer's "Border Troubles Along the Rio Grande, 1848-1860," *The Southwestern Historical Quarterly*, XXIII (October, 1919), 99-102.

<sup>13</sup>Francis Wharton, *A Digest of International Law* (1886 ed.) I, 230; Moore, *op. cit.*, II, 421.

tinued before the matter was settled to cost the United States thousands of dollars.<sup>14</sup>

*President Buchanan's Proposed Occupation of Northern Mexico, 1858, 1859, 1860.* Injuries alleged to have been inflicted by Mexican Indians and desperadoes upon citizens of the United States residing in northwestern Texas, New Mexico, and Arizona furnished one of the motives which led President Buchanan, in December, 1858, to ask for the permission of Congress to "assume a temporary protectorate over the northern portions of Chihuahua and Sonora and to establish military posts within the same," the protection to be withdrawn as soon as local Mexican governments sufficiently strong to take over the duty could be established. This request was repeated in 1859 and again in 1860, but Congress refused to grant the desired permission and no action was taken.<sup>15</sup>

*Cortina and the Orders of Robert E. Lee, 1859-1860.* During this same period there developed upon the northern frontier of Mexico a character somewhat similar to "Pancho" Villa. Juan Nepomucina Cortina—sometimes written "Cortinas"—was of Mexican extraction but of uncertain citizenship. A native of Camargo and probably taught the lesson of hatred for the "Gringos" at an early day, he was old enough to fight in the army of Arista during the war between the United States and Mexico. After the treaty of 1848 he moved with his mother and brother to their ranch a few miles above Brownsville, Texas. Here he not only fell in with the rough company of the frontier, but heard reports of and probably witnessed maltreatment of the Mexicans in the region by the Texans. He seems soon to have earned the reputation of a lawless, dangerous man; and though uneducated, and not very attractive personally, he seems to have exercised great influence over the Mexican population of the section. Because of his value as a political asset, and by virtue of the support of a band of armed desperadoes ready to do his bidding, he managed to escape punishment. Finally, however, in the summer and fall of 1859 several murders committed in Brownsville and threats to burn the

<sup>14</sup>For the awards granted to the persons injured during this raid by Joint Claims Commission which sat under the convention of July, 1868, see *Sen. Ex. Doc.* No. 31, 44 Cong., 2 Sess. (Ser. 1720).

<sup>15</sup>J. D. Richardson, *Messages and Papers of the Presidents* (1898 ed.), V, 521, *passim*; *Sen. Jour.* 35 Cong., 2 Sess., p. 342; "Mr. Buchanan's Administration," Buchanan, *Works* (J. B. Moore ed.), XII, 251.

town and kill all the Anglo-Saxon population, together with the rifling of the United States mails, led the military authorities to take action.

But Cortina's forces were increased by volunteers and conscripts until he was able to hold out against the Texas Rangers and the volunteers sent to dislodge him. For some three or four months he had things in the region pretty much his own way. When hard pressed he simply crossed over the boundary, where he was received as a hero and furnished needed recruits and supplies—he was the champion of the injured Mexican race. Summing up the results of Cortina's depredations, Major Heintzelman of the United States army said in part: "The whole country from Brownsville to Rio Grande City, one hundred and twenty miles and back to the Arroyo Colorado, has been laid waste. There is not an American [left] or any property belonging to an American that could be destroyed in this large tract of land. . . . There have been fifteen Americans and eighty friendly Mexicans killed."<sup>16</sup>

It required the combined efforts of the federal troops and the local militia, in addition to the co-operation of the Mexican military forces finally to break up and scatter Cortina's band. On December 14, 1859, Major Heintzelman with 165 Regulars and 120 Rangers advanced upon his position. Cortina retreated northward, avoiding a serious engagement until December 27, when his forces were overtaken and routed near Rio Grande City. He then fled into Mexico, leaving his "guns, ammunition and baggage carts, provisions, and everything he could throw away to lighten his flight." About sixty of his troops were killed or drowned in the river, and the rest escaped into Mexico without their arms. Cortina afterwards moved southward along the Mexican frontier, collecting the remnants of his scattered forces and eventually establishing his camp at *La Bolza*, about thirty-five miles above Brownsville, with the intention of capturing the American steamboat *Ranchero* on its way down the river. But when, in February, 1860, he attempted to seize this vessel a party of Rangers who had held themselves in readiness crossed over to the Mexican side of the stream and administered a sound defeat. Cortina then set up at *La Mesa Ranch*, but once more the Rangers, this time ac-

<sup>16</sup>Heintzelman to Lee, March 1, 1860, *House Exec. Doc. No. 81*, 36 Cong., 1 Sess. (Ser. 1056), p. 13.



accompanied by a detachment of Regulars, entered Mexico and forced him to flee.

The whole Cortina affair gave occasion to many wild rumors and false reports; and although the government at Washington received intimations that the reports were exaggerated, the situation was deemed sufficiently grave to demand special attention. Accordingly, Colonel Robert E. Lee, who was thought to possess superior fitness for the task, was placed in command on the frontier early in 1860. He was instructed to demand that the Mexican authorities break up the bands of Cortina who found lodgment on the south side of the Rio Grande, and in case they failed to accomplish this plain duty, to cross into Mexico and disperse the marauders with the forces under his command.

Contrary to some of the reports which had reached Washington, the Mexican civil and military authorities had already shown a disposition to oppose Cortina. Upon two occasions the national guards of Matamoras had given succor to Brownsville. Both the state government of Matamoras and the Mexican national government not only approved the action of these troops, but instructed the military commander of the line of the Bravo to prevent the followers of Cortina from crossing, and to pursue and punish them in concert with the forces of the United States in case they did. This official seems to have co-operated with the American soldiers when they crossed over in pursuit of Cortina in the month of February; and against these invasions themselves no protest appears to have been made, although alleged acts of violence to Mexican property and firing upon a troop of Mexican soldiers was resented. Therefore, when in April, 1860, Lee entered into communication with the Mexican authorities and made known to them his instructions, he received civil and agreeable replies, followed by vigorous measures which sent Cortina into the Burgos mountains in search of a hiding place, and rendered a punitive expedition on the part of Lee unnecessary.<sup>17</sup>

*Conditions Along the Border, 1869-1880.* During the some fifteen or sixteen years subsequent to the Civil War in the United States and the fall of Maximilian in Mexico conditions on the international border, and especially along the Rio Grande, were probably more unsettled and irritating than ever before or since.

<sup>17</sup>On this entire affair see Rippy, *op. cit.*, 103ff, and authorities there cited.

The states to the north of the line were suffering from the disorders of the reconstruction and the constant ravages of the Indians, while the states to the south were perturbed by revolutions and counter-revolutions characteristic of the section from the achievement of Mexico's independence to the régime of the iron-handed Díaz. On the right bank of the lower Rio Grande bands of cattle thieves were systematically organized. Many of them were probably American citizens, but others were not; and it was hard to ascertain the truth and to exercise discrimination. Above Laredo, Texas, the American border was being laid waste by Indians, which the inhabitants of the region declared to live in the mountain fastnesses of Coahuila and Chihuahua. It was thought, too, that the savages were often guided in their raids by the superior intelligence of Mexicans. Of course most of the Indians had taken advantage of the disorders of the Civil War to escape from reservations in the United States, and the natives still residing on those reservations often made destructive incursions into Mexico, murdering an average of some forty Mexicans annually;<sup>18</sup> but it was difficult to view the question from both sides, and the United States might obviously argue that the subjugation of the Mexican Indians and the Mexican cattle thieves would be advantageous to both countries.

If the reports of the successive commissions sent by the United States to the border may be relied upon, conditions were little short of appalling. If fifty per cent is subtracted for exaggeration one could still well believe that they were grave. Matters reached their worst stage between 1870 and 1880. At the beginning of this period Cortina came again into prominence on the frontier. The outlaws and cattle thieves were said to have rallied to him with an enthusiastic devotion which rendered him "more powerful in that locality than any other authority, national or state."<sup>19</sup> As an official of the Mexican government, he was reported to have winked at and participated in cattle "lifting." Indeed, it was declared that trade in stolen cattle had enabled him to place on deposit in an English bank the snug sum of three hundred thousand dollars, while he retained enough of them to stock four large ranches. Moreover, if reports of the Americans may

<sup>18</sup>*House Exec. Doc. No. 1, 43 Cong., 1 Sess. (Ser. 1594), Part I, p. 691, passim; H. H. Bancroft, The North Mexican States and Texas, II, 704.*

<sup>19</sup>*Ho. Rept. No. 701, 45 Cong., 2 Sess. (Ser. 1824), p. VI.*

be relied upon, Mexican authorities of smaller caliber assumed the same attitude.<sup>20</sup>

The number of cattle carried off by the raiders was alleged to be enormous. In southwestern Texas cattle raising was followed on a very large scale during this period, ranches comprising from ten to two hundred thousand acres and stocked with from fifty to seventy-five thousand head not being uncommon. Horse raising was likewise engaged in to a considerable extent along the lower Rio Grande, and on a much larger scale farther to the northwest. The raids of the thieves threatened to destroy these important industries. During the nine years between 1866 and 1875 the number of stock between the Nueces and the Rio Grande and south of Laredo decreased almost 80 per cent. A federal grand jury convened in Texas in the spring of 1872 reckoned that there had been stolen from this section since the close of the Civil War an average of five thousand cattle per month.<sup>21</sup> The records for the customs house at Brownsville during this period were said to show that twenty-five per cent of the hides exported from Mexico into Texas at this point bore brands of Texan stock raisers, while another twenty-five per cent gave evidence of having been altered or otherwise defaced. From this it was judged that a great many of them were stolen from Texas.<sup>22</sup>

While the main object of the raiders who crossed over into the Rio Grande-Nueces region was the theft of cattle, they were inevitably led into the perpetration of even worse outrages. Travelers who chanced to meet them and individuals who were thought likely to give out incriminating information were murdered; thousands of dollars in money, merchandise, and other property were taken; towns were raided; postoffices and customs houses were looted; and numerous public officials were killed. In fact, between 1875 and 1877 the situation in this section amounted to a reign of terror.<sup>23</sup>

Depredations committed by Mexican Indians in the region above Laredo and westward to the borders of Arizona were reported to be equally bad, and it was declared that Arizona was

<sup>20</sup>*Ibid.*, No. 343, 44 Cong., 1 Sess. (Ser. 1709), p. 1ff.

<sup>21</sup>*Ibid.*, App., pp. 78-79, 92, 97-100, 115, *passim*.

<sup>22</sup>*House Exec. Doc.* No. 39, 42 Cong. 3 Sess. (Ser. 1565), p. 20.

<sup>23</sup>For the conditions during this period, see *Ho. Rept.* No. 701, 45 Cong., 2 Sess. (Ser. 1824), and a document bound with the same entitled, "Texas Frontier Troubles."

suffering both from Indians, who made their escape into Sonora, and from Mexican bandits. The savages consisted mainly, however, of stray bands belonging to the Lipan, Comanche, Apache, and Kickapoo tribes, who found shelter in the mountains of Coahuila and Chihuahua. A great many horses and sheep were raised on the frontiers of northwest Texas and of New Mexico; but the ravages of these Indians made such occupations extremely perilous. Indeed, the reports alleged that many of the ranches had been entirely broken up. Thousands of stock were stolen, killed and scattered; frequent murders occurred, and several women and children were carried away into captivity.

The general situation can probably be best set forth by the testimony of three officials of the United States army who were stationed on this frontier. Lieutenant Colonel W. R. Shafter, who had been at Fort Clark, Texas, since 1867, testified in 1878 that there was hardly a family which had dwelt for any length of time in the region without having sacrificed a member to the savages.<sup>24</sup> William Steele, who was Adjutant General of the State of Texas at the time, stated that fifty-seven Indian parties had killed forty citizens of Texas between 1875 and 1878.<sup>25</sup> Colonel Hatch of New Mexico reported in 1879 that twenty-five persons had recently been massacred by Mexican Indians, who had purchased arms, ammunition and supplies from the frontier towns of Chihuahua, and that fourteen soldiers and scouts had been killed in pursuit of the raiders.<sup>26</sup>

The policy of the Mexican government in regard to these raids was ineffective, and in the eyes of the government of the United States, dilatory and indifferent. The historian may explain the Mexican attitude by the inability of the national government of Mexico to enforce its will upon the frontier governments; by hatred and suspicion felt toward the United States because of former aggressions; by the fact that the Indians in question had for the most part escaped from reservations on the northern side of the boundary, and that such Indians had often inflicted injuries upon Mexico; by the exasperation which the formation of Mexican revolutionary parties on American soil occasioned; and,

<sup>24</sup>"Texas Frontier Troubles," p. 23.

<sup>25</sup>*Ibid.*, p. 48.

<sup>26</sup>Summarized in Hunter to Zamacona, Nov. 7, 1879, *Ho. Ex. Doc.* No. 1, 46 Cong., 3 Sess. (Ser. 1951), pp. 780-781.

lastly, by interior disturbances which appeared to the successive Mexican administrations more important than the disorders on the frontier. This side of the question could hardly have been expected to make a strong appeal at the time, however; and such a view of the matter would have afforded small consolation to those inhabitants of the United States frontier who were being injured and outraged by Mexican Indians and bandits. It will not occasion surprise, therefore, when it is learned that numerous punitive expeditions invaded Mexican territory during this period.

*Venustiano Carranza's List of Invasions.* In fact, the expeditions were so numerous that when the late President Carranza desired to prove that the recent so-called violations of Mexican soil by the United States were not confined to his administration, he did not have to go outside of the decade subsequent to 1873. Within that period he was able to find some twenty-three instances.<sup>27</sup> The remainder of this paper will be confined to a description of the more important of these and the circumstances under which they proceeded, and to a statement of some of the agreements which President Porfirio Díaz and the United States government were able to reach in regard to the mutual crossing of the border in pursuit of depredating bands.

*The MacKenzie Raid.* Carranza began his list by referring to the Kickapoo troubles which culminated in the MacKenzie raid of 1873. For several years these Indians had made bold incursions far into the interior of western and northwestern Texas, so far indeed as to arouse suspicion that they were being led by white men.<sup>28</sup> In 1869 the United States began urging upon the Mexican government the necessity of co-operation in an attempt to bring the culprits back to their reservation in the United States and the advisability of permitting troops of the United States to cross the line in pursuit of the hostiles. The Mexican foreign office replied that the latter request could only be granted with the consent of the Mexican Congress, and showed great reluctance to ask their consent. The United States first warned Mexico that it might become necessary to pursue the hostile Indians into Mexican territory without the permission of the Mexican government, but later decided, out of consideration for the embarrassment oc-

<sup>27</sup>Message of September 1, 1919.

<sup>28</sup>*Ho. Ex. Doc.* No. 1, 41 Cong., 2 Sess. (Ser. 1412), Part II, p. 143.

casioned by the disturbed political conditions in Mexico, not to press the matter for the time being.<sup>29</sup> The Mexican government did offer its assistance in the "just and humane object" of removing the Indians to the northern side of the boundary; but the agents of the United States who were sent down in the summer of 1871 to accomplish this object met with opposition on the part of the local inhabitants and officials and returned home in disgust.<sup>30</sup> Another attempt made during the following year prove equally futile.<sup>31</sup>

Thus the question stood<sup>32</sup> when in May, 1873, news reached Colonel R. S. MacKenzie, who was stationed at Fort Clark, Texas, that the Kickapoos had made a raid and escaped with a drove of horses. He and Lieutenant Bullis immediately took up the trail, and leading their troops into Coahuila, they fell upon the Indian village of Remolino, killing nineteen of the savages, capturing some forty, and recovering sixty or seventy head of horses.<sup>33</sup>

There are several bits of evidence indicating that MacKenzie may not have been acting contrary to the wishes of the United States government. In the first place, on January 16, 1873, Secretary of State Hamilton Fish wrote the minister of the United States in Mexico that the Mexican government appeared "so apathetic or so powerless to prevent such [Indian] raids that sooner or later this government [i. e., the United States] will have no other alternative than to endeavor to secure quiet on the frontier by seeking the marauders and punishing them in their haunts wherever they may be. Of course we should prefer that this should be done with the consent, if not with the co-operation, of Mexico. It is certain, however, that if the grievances shall be persisted in, the remedy adverted to will not remain untried."<sup>34</sup>

<sup>29</sup>Fish to Nelson, June 26, 1871, quoted in Moore, *op cit.*, II, 435; Nelson to Fish, August 30, 1871, *House Exec. Doc.* No. 1, 42 Cong., 2 Sess. (Ser. 1502), Part I, p. 635; *Ibid.*, pp. 662-663.

<sup>30</sup>*House Exec. Doc.* No. 1, 42 Cong., 2 Sess. (Ser. 1502), Part I, pp. 649-650.

<sup>31</sup>*House Exec. Doc.* No. 1, 42 Cong., 3 Sess. (Ser. 1552), Part I, p. 416ff.

<sup>32</sup>In the fall of 1873 some four hundred Kickapoos were removed to the United States, and two years later about one hundred and thirty more were persuaded to return. See *Ho. Ex. Doc.* No. 1, 43 Cong., 2 Sess. (Ser. 1634), Part I, p. 716; and *Ibid.*, 44 Cong., 1 Sess. (Ser. 1673), Part I, p. 896.

<sup>33</sup>*House Misc. Doc.* No. 64, 45 Cong., 2 Sess. (Ser. 1820), pp. 187-188; Mexican Border Commission of 1873, *Report*, p. 424.

<sup>34</sup>*House Exec. Doc.* No. 1, 43 Cong., 1 Sess. (Ser. 1594), Part I, p. 643.

Second, on January 22, 1874, Fish wrote the Secretary of War that an incursion into Mexico when necessary for the dispersal of a band of Indian marauders, was not a violation of the law of nations.<sup>35</sup> Third, Colonel MacKenzie does not appear to have been censured for his act; or if censured, he was certainly not removed from his post.<sup>36</sup> Fourth, when this raid was later referred to as a precedent, the American government seems to have acquiesced.<sup>37</sup>

*The McNally-Randlett Invasion, 1875.* The next expedition of which definite details have been acquired, but the fifth in the enumeration of Carranza, was that which crossed the international boundary in pursuit of cattle thieves in November, 1875. Captain Randlett of the United States army had been encamped with about eighty men at Edinburg for some time, when he received news that thieves with a herd of cattle were on their way to the Rio Grande. He immediately dispatched a courier to Ringgold Barracks for help and a telegram to Fort Brown for more specific orders, while he sent out scouts to ascertain the ford where the robbers would be most likely to attempt to cross with their booty. From Fort Brown on November 16, he received the command: "If you catch the thieves, hit them hard. If you come up to them while they cross the river, follow them into Mexico." From the scouts which he had sent out he learned, on November 17, that a herd of cattle were being driven toward the river with the probable intention of effecting a crossing near *Las Cuevas* during the

<sup>35</sup>Moore, *op. cit.*, p. 421.

<sup>36</sup>The reports of the Adjutant General show that he continued to remain at Fort Clark.

<sup>37</sup>A large number of murders and robberies committed in Texas in the spring and summer of 1874 and the absence of what appeared to be sufficient protection on the part of the federal army, led the Texas government to raise companies of minute men to protect the frontier. The governor gave at least one of the captains of these companies orders to pursue the marauders into Mexican territory. When questioned in regard to this step by the Washington government, he argued that if troops of the government of the United States had a right to "cross the national boundary and continue pursuit of marauders on Mexican soil, . . . Texas forces which are doing the duty which ought to be performed by the United States troops . . . have the same right." *House Report* No. 343, 44 Cong., 1 Sess. (Ser. 1709), pp. XVI, 161-167. In these conclusions the attorney general seems to have acquiesced. *House Exec. Doc.* No. 13, 45 Cong., 1 Sess. (Ser. 1773), p. 62. The fact that Carranza mentions this affair in his message may indicate that a raid took place in pursuance of the order.

run of the day. Preparations for pursuit were hastily made, and shortly after 4 o'clock the troops reached the river, where they found the thieves forcing the cattle off of a steep bank into the stream. An encounter took place, but it was soon interrupted by darkness. Randlett then wrote the *alcalde* of Las Cuevas demanding the return of the cattle and the delivery of the thieves, whose names he supplied. At the same time, he prepared to move to the Mexican shore early the next morning.

Just before daybreak Major Clendenin of Ringgold Barracks arrived and, taking command, forbade Randlett to cross the river on the ground that it would be bad faith to do so while negotiations were in progress. A little later Randlett received a communication from the *alcalde* which informed him that while a few of the cattle had been recovered the thieves had escaped with most of the herd in the direction of Camargo. Randlett thereupon sent a dispatch to the authorities of Camargo and enclosed a copy of his orders. Clendenin, in the meantime, had reported the situation to the commander at Fort Brown and asked for further instructions; and, in reply, had received the following order: "If you have not crossed when this reaches you, await arrival of Major Alexander, who will be at *Las Cuevas* to-morrow with two companies. General is afraid you have not men enough."

About noon of the 18th, and before Alexander had arrived with reinforcements, Captain McNally of the Texas Rangers came upon the scene and declared his intention of crossing the river as soon as his troop should arrive. Clendenin urged McNally to wait until Alexander came, but the captain of the Rangers remained obdurate. Thereupon Clendenin remarked: "If you are determined to cross, we will cover your return, but cannot cross at present to help you." A Gatling gun was then placed in position on the left bank of the Rio Grande, and Randlett was ordered to protect McNally's return, but not to enter Mexican territory unless it appeared that the Texan troops were on the point of being massacred. Clendenin then departed for Ringgold Barracks, leaving Randlett in charge until Alexander should arrive.

By early morning of the 19th McNally had succeeded in getting his men and five horses across the Rio Grande. A considerable skirmish ensued, and about two hundred and fifty Mexican regulars soon put in their appearance. A part of the fighting took place within sight of the American troops; and Randlett, believ-



ing that the Texas Rangers were on the point of annihilation, began to dispatch federal troops to his assistance. After the exchange of several volleys, a truce to last until nine o'clock November 20, was agreed upon. Just at this moment Alexander arrived from Fort Brown and commanded the immediate withdrawal of the United States forces. Although McNally declared that he would not return until the Mexican authorities delivered up the cattle and the thieves in accordance with the terms of the truce, he and his men retired the following day.<sup>38</sup>

There seems to have been some confusion in regard to the orders directing the crossing of the international line in pursuit of the thieves. The telegram of November 16 had plainly said, "follow them into Mexico" in case they were overtaken at the river's bank, while that of November 18 did not forbid the crossing, but merely asked for delay on the ground that the forces then present were not sufficient. These telegrams were signed by Helenus Dodt, Acting Assistant Adjutant General, and they contained the expression, "by order of Colonel J. H. Potter." Yet, on November 19, Potter telegraphed Brigadier General E. O. C. Ord, who had charge of the military department of Texas, that Randlett's action had been taken in violation of orders; and on the following day Ord instructed Potter to notify the Mexican authorities that the troops of the United States were ordered not to cross the Rio Grande. In reply to a protest on the part of General Fuero of the Mexican army, Potter accordingly declared that the troops of the United States had crossed into Mexico in disobedience of orders. Almost two years later the Mexican government complained that it had not been informed of any punishment being inflicted upon the subordinate officials for their disobedience.<sup>39</sup> Moreover, when Mexico made diplomatic protest against the violation of its national soil, the Department of State seems to have made no response.<sup>40</sup>

<sup>38</sup>Nevertheless, these vigorous measures seem to have borne fruit; for on November 21, seventy-six cattle were brought to Ringgold Barracks, and reports alleged that seven of the robbers were killed and several wounded by the Mexicans themselves.

<sup>39</sup>Originals of the telegrams to Randlett and Clendenin have not been seen, but copies are contained in Randlett to Acting Adjutant General, Dec. 1, 1875. On the whole affair see *House Report* No. 343, 44 Cong., 1 Sess. (Ser. 1709), pp. 87-96; and *House Exec. Doc.* No. 13, 45 Cong., 1 Sess. (Ser. 1773), p. 62.

<sup>40</sup>Vallarta to Cuellar, August 18, 1877, *House Doc.* No. 13, 45 Cong., 1 Sess., pp. 62-63.

*General Ord Assumes Responsibility.* Whatever may be the truth in regard to this invasion, it is certain that the expeditions which took place during the next two years were authorized by General Ord. On December 6, 1877, he testified before the congressional committee on military affairs as follows: "I gave orders nearly two years ago to cross over on a fresh trail, I stated my reasons for giving the order and communicated the orders to the administration, and I received no instructions in regard to the matter. The order was not disapproved and consequently it was tacitly approved.<sup>41</sup> The majority of these expeditions represented attempts to punish Indians who had escaped into Mexico after having raided into United States territory. A brief description of two of them may serve to represent their general nature.

During the months of April and May, 1876, twelve Texans were killed by the Lipans led by their chief, Washo Lobo; and Lieutenant Colonel W. R. Shafter of Fort Duncan, incensed by these outrages, determined to pursue the perpetrators into Coahuila. Accordingly he dispatched Lieutenant Bullis across the Rio Grande at a ford about sixty miles above the mouth of the Pecos, with the purpose of spying out the camp of the savages and falling upon it. But the Indians were warned of his approach, and little was accomplished. A raid made in the following July proved more successful, however. Shafter and Bullis passed over the Rio Grande some twenty-five miles above its junction with the Pecos, and marched southward into Mexico for five or six days. The main army of invasion then halted, and Bullis was sent ahead with twenty scouts and as many soldiers to hunt for a village which was reported to be on the San Antonio River. At dawn on July 30, discovering that they were near a Lipan camp, they made an immediate onslaught, which resulted in the death of fourteen Indians, the capture of four squaws and ninety-six horses and mules, and the destruction of the entire Indian village. Bullis then turned northward, joining Shafter on the following day. Before leaving Mexican soil, however, they had another encounter with a band of Indians who had been marauding in Texas, but with less success than on the former occasion.<sup>42</sup>

In December, 1876, and in January, 1877, the Lipans, accompanied by the Mescalero Apaches, again ventured over into the re-

<sup>41</sup>*House Misc. Doc. No. 64, 45 Cong., 2 Sess. (Ser. 1820), p. 103.*

<sup>42</sup>*Ibid.*, pp. 188-189.

gion around Fort Clark, where they picked up two or three hundred head of cattle and more than sixty horses. Lieutenant Bullis with his company, assisted by Captain Keys with two hundred negro cavalry, pursued the band about one hundred and twenty-five miles into Mexico, without being able to overtake them or to recover any considerable amount of stolen property.<sup>43</sup>

*The Ord Orders, June, 1877.* In spite of these punitive expeditions the Indian incursions continued, and there seemed less co-operation than ever on the part of Mexico. The lack of co-operation may be explained in part by the political disturbances which were occasioned by the attempt of Porfirio Díaz to depose Lerdo de Tejada and gain control of the government. It was apparently due in part, also, to the unfriendly attitude of a group of frontier governors.<sup>44</sup> At any rate, on March 9, 1877, Shafter was impelled to write that "not the slightest attempt" was being made by the Mexicans to prevent the Indians from making incursions into the United States, but, on the contrary, they were "finding a refuge in the towns when pursued, and a market for their stolen plunder at all times."<sup>45</sup> When General Sheridan forwarded this letter to Washington on March 19, he recommended that "the Mexican government be compelled to prevent these hostile incursions."<sup>46</sup> A few days later the hostility of at least one of the frontier governors was evinced by the proposal to punish as traitors certain of the Mexican guides who had aided the American troops in their pursuit of Indians upon Mexican soil. News soon reached General Ord that two of these were being held at Piedras Negras, and thereupon he dispatched Colonel Shafter and Adjutant General Taylor to rescue them; but the prisoners were hurried away before the jail

<sup>43</sup>*Ibid.*, pp. 190-191.

<sup>44</sup>Speaking of an interview which he had with the foreign minister, Foster wrote: "In connection with the embarrassments attending border affairs, I referred to the fact that the governors of all the Mexican States on the Rio Grande were regarded as hostile to the United States. The reputation of Governor Canales, of Tamaulipas, was notorious in both countries. Governor Charles, of Coahuila, was in open opposition to the American officials . . . General Trias, just elected governor of Chihuahua, in a recent letter to a newspaper of this city, has, over his signature, manifested his hostile sentiments." Foster to Everts, June 20, 1877, *House Exec. Doc. No. 1*, 45 Cong., 2 Sess. (Ser. 1793), Part I, p. 413.

<sup>45</sup>Shafter to the Assistant Adjutant General *House Exec. Doc. No. 13*, 45 Cong., 1 Sess. (Ser. 1773), pp. 4-5.

<sup>46</sup>*Ibid.*, *loc. cit.*

could be seized. The American forces were then withdrawn and General Ord sent word to the governor of Coahuila that any injury to the guides would be considered as a declaration of the intention to co-operate with the savages in their depredations.<sup>47</sup> Before the close of April, reports of another raid were sent to headquarters; and on May 5, Sheridan repeated his recommendation of the previous March, while it was reiterated by Sherman on the 29th.<sup>48</sup>

These occurrences led the Washington government to issue positive orders for the crossing of the Mexican border in the pursuit of Indian and Mexican marauders. On June 1, 1877, General Sherman was instructed in regard to the southwestern frontier as follows:

The President desires that the utmost vigilance on the part of the military forces in Texas be exercised for the suppression of these raids. It is very desirable that efforts to this end . . . be made with the co-operation of the Mexican authorities; and you will instruct General Ord, commanding in Texas, to invite such co-operation on the part of the local Mexican authorities, and to inform them that while the President is anxious to avoid giving offense to Mexico, he is nevertheless convinced that the invasion of our territory by armed and organized bodies of thieves and robbers to prey upon our citizens should not be longer endured.

General Ord will at once notify the Mexican authorities along the Texan border, of the great desire of the President to unite with them in efforts to suppress the long continued lawlessness. At the same time he will inform those authorities that if the Government of Mexico shall continue to neglect the duty of suppressing these outrages, that duty will devolve upon this government, and will be performed, even if its performance should render necessary the occasional crossing of the border by our troops. You will, therefore, direct General Ord that in case the lawless incursions continue he will be at liberty, in the use of his own discretion, when in pursuit of a band of marauders, and when his troops are either in sight of them or upon a fresh trail, to follow them across the Rio Grande, and to overtake and punish them, as well as retake stolen property taken from our citizens and found in their hands on the Mexican side of the line.<sup>49</sup>

These instructions provoked loud protests from the Mexican government. The invasions which the military forces of the United States had made during the past four years had already occasioned

<sup>47</sup>*Ibid.*, pp. 9-12.

<sup>48</sup>*Ibid.*, pp. 13-14.

<sup>49</sup>*Ibid.*, pp. 13-14.

considerable irritation and given the Mexican newspaper press materials which they used to create the impression that the United States was desirous of stirring up trouble. This irritation was increased by the report<sup>50</sup> of the House Committee, made on February 29, 1876, in favor of the general practice of sending troops across the international line, and it was alleged in Mexico that the purpose of the expeditions was not to put down the raids, but to seize more territory.<sup>51</sup> News of the Ord orders now brought matters to a critical stage. The Díaz government, correctly gaging popular sentiment, instructed General Gerónimo Treviño to advance immediately to the frontier with his division with the view of co-operating with the forces of the United States in putting down the disturbing elements on the frontier, but to "repel force with force" in case of an invasion of Mexican soil by the United States army.<sup>52</sup> This declaration rallied all factions to its support. The newspapers, whether Conservative or Liberal, Lerdist or Porfirista, Spanish or Mexican, called upon every loyal son of Mexico to support the new president in his opposition to the colossus which was merely using the frontier depredations as a pretext for making war on a friendly nation.<sup>53</sup> Moreover, the condition was rendered more tense by the fact that the United States was withholding recognition from the Díaz government until some step should be taken to improve the border situation, while Díaz, apparently under the impression that the government of the United States was being influenced by his enemies, especially Lerdo de Tejada, seemed determined to make the cancellation of the Ord orders a *sine qua non* to any agreement looking toward the final solution of the border difficulties.<sup>54</sup>

*Invasions Under the Ord Orders, 1877-1880.* In this very delicate state of affairs, a great deal was obviously to depend upon the temper and attitude of General Ord, and he proved equal to the test. Even before Treviño reached the border, Ord was presented an opportunity to make use of his new authority if he had desired. Early in June, 1877, the troops of Díaz pursued a Lerdist

<sup>50</sup>House Report No. 343, 44th Cong., 1 Sess. (Ser. 1709).

<sup>51</sup>Foster to Fish, May 4, 1876, and enclosures, *House Exec. Doc.* No. 1, 44th Cong., 2 Sess. (Ser. 1741), pp. 398-400.

<sup>52</sup>Ogazón to Treviño, June 18, 1877, *House Exec. Doc.* No. 13, 45 Cong., 1 Sess. (Ser. 1773), pp. 20-21.

<sup>53</sup>Clippings enclosed in Foster to Evarts, June 22, 1877, *Ibid.*, pp. 20-27.

<sup>54</sup>*Ibid.*, pp. 33-34.

band across the border near the Mexican town of Paso del Norte, and attacked it upon United States soil. As soon as the American authorities heard of the invasion, Captain Kelly started for the scene of the fighting, while Colonel Shafter telegraphed General Ord for instructions as to whether he should cross the Rio Grande in pursuit of the retreating Mexicans. Ord directed him not to cross, and the Washington government approved of his course, but instructed John W. Foster, United States minister to Mexico, to enter a formal complaint against the violation of American soil.<sup>55</sup>

Immediately after Treviño reached the frontier, visits were exchanged between him and General Ord, and the latter wrote his government that they had reached a good understanding. The interview which the commanding officer of Fort Brown had with the commander of the national troops in Tamaulipas at about the same time did not result so hopefully, however. The American officer reported that this commander found the instructions of Ord "not palatable," but that he had expressed in polite and profuse language the desire to maintain friendly relations with the United States.<sup>56</sup>

While these friendly interchanges were taking place along the lower Rio Grande, preparations for crossing the boundary in pursuit of Indians were being made farther up the stream. In the latter part of June a band of savages stole some stock in Kerr County and killed one boy while escaping with their booty. Bullis and his scouts trailed them to a crossing on the Rio Grande some distance above the mouth of the Pecos, and then with about thirty-five men entered Mexico. He overtook the culprits more than a day's ride south of the line, and administering a sound defeat, recovered thirty-three stolen horses and returned to the northern side of the boundary.<sup>57</sup>

By this time, however, Treviño, whose understanding with Ord had been severely criticised in the Mexican press,<sup>58</sup> began to urge Ord not to cross the border, or at least to permit the crossing of regulars under discreet orders only. Ord refused to make any promises, but he telegraphed headquarters for more specific instructions. In reply, he was told that his orders did not contem-

<sup>55</sup>*Ibid.*, pp. 15-18, 156ff.

<sup>56</sup>*Ibid.*, p. 163.

<sup>57</sup>*House Misc. Doc. No. 64, 45th Cong., 2 Sess. (Ser. 1820), p. 191.*

<sup>58</sup>*House Exec. Doc. No. 1, 45th Cong., 2 Sess. (Ser. 1793), Part I pp. 419, 422.*

plate passing the border in pursuit of marauders when there was a "Mexican force ready to execute the duty of suppressing and punishing these predatory incursions into our territory."<sup>59</sup> Thereafter Ord seems to have taken considerable pains to notify the Mexican authorities in regard to the raids, but such co-operation as they gave did not remove the necessity for crossing the border. In the course of the more than two years during which the orders remained in force, some ten or fifteen punitive expeditions were made; and it is perhaps a high compliment to the tact and restraint of the military officials of both countries that they were able to avoid a brush between their respective troops.

Perhaps the nearest approach to a hostile outbreak occurred in September or October, 1877, when Bullis with a company of about ninety soldiers made a raid upon an Indian village near Zaragossa, Mexico. It appears that Shafter suspected that the expedition might result in an unfriendly movement on the part of the Mexican regulars stationed in the region; and he accordingly crossed over with some three hundred men to support Bullis in case of trouble. After attacking and burning the village, and capturing a number of Indian women, Bullis set out on his return to the Rio Grande. On the following day the Mexican forces who had taken his trail came into sight; but Shafter's troops appeared at an opportune moment, and the Mexicans soon retired. Had Bullis been unsupported, or had the total number of United States soldiers been smaller, trouble might have resulted.<sup>60</sup>

*Agreements for Mutual Crossing of the Border in Pursuit of Indians.* It is unnecessary here to enter into the details of the expeditions made under the Ord orders. It suffices to say that they were sent in pursuit both of Mexican and Indian marauders,<sup>61</sup> and

<sup>59</sup>Vincent to Ord, July 14, 1877, *House Exec. Doc. No. 13*, 45 Cong., 1 Sess., p. 175. Ord had probably already been notified that the Mexican republic was awakening to the importance of "repressing the out-lawry on the Texas frontier," and instructed "not to be hasty in pursuit across the border, except in an aggravated case." See Sheridan to Sherman, June 9, 1877, *House Exec. Doc. No. 1*, 45 Cong., 2 Sess., Part I, pp. 419-420.

<sup>60</sup>The somewhat inconsistent accounts of this episode are found in *House Misc. Doc. No. 64*, 45 Cong., 2 Sess., pp. 191, 269; and *House Exec. Doc. No. 13*, 45 Cong., 1 Sess., pp. 53-54.

<sup>61</sup>For a brief summary of each of them, see Carranza's message of September 1, 1919, mentioned above. The writer desires also at this point to call attention to an excellent monograph, prepared by Miss Ethel Jones upon the Mexican border question in the Seminar of Pro-

that such vigorous measures slowly but surely improved the border situation. With this improvement came a better understanding between the two countries concerned. On April 9, 1878, the United States had recognized Díaz,<sup>62</sup> regardless of his stand with reference to the passing of the boundary; and in the course of the next two years he showed such ability to deal with the situation that General Ord himself advised that the orders issued on June 1, 1877, were no longer necessary. They were accordingly revoked in February, 1880.<sup>63</sup> Díaz now began to evince a disposition to come to an agreement in regard to future difficulties of the kind. At the same time, the center of the border disturbances shifted from the Rio Grande to the frontiers of New Mexico and Arizona, where the Apaches were committing fearful depredations.

Certain readjustments which the United States government attempted to make in the location of these Indians led to a series of the most formidable uprisings the southwestern frontier had witnessed in years. Led by such chieftains as Victorio, Nana, Natchez, Juh, and Gerónimo, the various Apache bands kept New Mexico, Arizona, Chihuahua, and Sonora in almost constant terror from 1880 to 1886, and hundreds of lives and thousands of dollars worth of property were destroyed. In order to cope with the situation the United States government again appealed to Mexico for permission to cross the border in pursuit of the marauders,<sup>64</sup> and this time with more success than upon former occasions. In the fall of 1880, President Díaz prevailed upon the Mexican Senate to permit an agreement for reciprocal crossing of the boundary for three months,<sup>65</sup> but the United States government seems not to have taken any immediate steps to render the favor it asked of Mexico mutual.<sup>66</sup> On July 29, 1882, however, such a reciprocal agreement was made, and this was renewed from time to time so

fessor Herbert E. Bolton of the University of California, and found in the library of that university

<sup>62</sup>John W. Foster, *Diplomatic Memoires*, I, 95.

<sup>63</sup>Secretary of War Ramsey to the General of the Army, February 24, 1880, *House Exec. Doc.* No. 1, 46th Cong., 3 Sess. (Ser. 1951), pp. 735-736.

<sup>64</sup>Hunter to Morgan, September 15, 1880, and Morgan to Evarts, September 21, 1880, *House Exec. Doc.* No. 1, 46th Cong., 3 Sess. (Ser. 1951), Part I, pp. 768, 775.

<sup>65</sup>Fernandez to Morgan, October 15, 1880, *House Exec. Doc.* No. 1, 47 Cong., 1 Sess. (Ser. 2009), pp. 745-746.

<sup>66</sup>Mariscal to Morgan, May 4, 1882, *House Exec. Doc.* No. 1, 47 Cong., 2 Sess. (Ser. 2090), Part I, p. 389.



that troops were permitted to pursue Indian raiders into Mexico from August 18, 1882, to November 1, 1886, with the exception of a brief interval lasting from August 18 to October 31, 1884.<sup>67</sup>

The agreement provided that "regular Federal troops of the two Republics may reciprocally cross the boundary line . . . when they are in close pursuit of a band of savage Indians," such crossing to take place only in "unpopulous or desert" regions; i. e., "all those points which are at least two leagues from any encampment or town of either country." Moreover, "no crossing of the troops of either country" was to take place between Capitán Leal and the mouth of the Rio Grande, and in every instance the commander of the troops engaged in the action was to serve due notice on the nearest military commander of the country invaded.

During this period the United States sent numerous punitive expeditions far into Mexican territory in vigorous and ruthless pursuit of the various bands of Apaches and forced them eventually to lay down their arms and acknowledge the rule of the white man; and the only one instance of unhappy friction between the forces of the neighboring countries occurred. In January, 1886, while giving chase to a group of Chiricahua Apaches, Captain Crawford and his command were attacked near Teopar, Mexico, by a detachment of Mexican soldiers, and Crawford was killed. It was decided in this case, however, that the tragedy was due to an accident, and no demand for indemnity was made.<sup>68</sup>

Again in 1890 Indian difficulties led to a provisional agreement to remain in force not more than a year; and on November 25, 1892, it was renewed for another year in order that the troops of the United States might pursue the band of the Apache "Kid," a notorious outlaw and fugitive from justice, who had escaped into Sonora whence he and his accomplices frequently made destructive raids upon the American frontier. After May, 1893, nothing seems to have been heard of this outlaw for some time; but he apparently put in his appearance again in the summer of 1896, for on June 4 of that year the United States and Mexico signed another agreement to remain in force until "Kid's band" was "wholly exterminated."<sup>69</sup>

Whether there were instances of crossing the international line

<sup>67</sup>W. M. Malloy, *Treaties, Conventions, etc.*, II, 1144ff.

<sup>68</sup>Moore, *Digest of International Law*, II, 425.

<sup>69</sup>Malloy, *op. cit.*, II, 1170ff.

between the time when "Kid" ceased to trouble the frontier and the dispatch of the Pershing expedition on March 15, 1916, the writer has been unable to ascertain. It is probable, thanks to the improved conditions along the border, that there were few occasions for such crossing until the outbreak of the revolt against Díaz. It is hoped, however, that whatever may have taken place during this more recent period, this paper has made clear the historical background of that expedition and substantiated the statement made in the beginning to the effect that behind it is a series of precedents extending over seventy-five years. That these precedents have been concerned in the majority of instances with Indian marauders does not materially alter the situation, for under international law is not the Mexican government equally responsible whether the depredations are committed by Indians residing in Mexico or by Mexican citizens?